

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

INNOVATIVE DISPLAY TECHNOLOGIES
LLC, ET AL.

v.

HYUNDAI MOTOR CO.

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Case No. 2:14-CV-201-JRG
LEAD CASE

THIRD AMENDED DOCKET CONTROL ORDER

It is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

Amended Deadline	Original Deadline	Event
unchanged	Monday, November 9, 2015	*Jury Selection - 9:00 a.m. in Marshall, Texas
unchanged	Thursday, October 1, 2015	*Pretrial Conference - 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
unchanged	Monday, September 28, 2015	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
unchanged	Monday, September 21, 2015	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, and Responses to Motions in Limine

unchanged	Monday, September 14, 2015	<p>*File Notice of Request for Daily Transcript or Real Time Reporting.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.</p>
unchanged	Friday, September 11, 2015	<p>File Motions <i>in Limine</i></p> <p>The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.</p>
unchanged	Tuesday, September 8, 2015	Serve Objections to Rebuttal Pretrial Disclosures
unchanged	Monday, August 31, 2015	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
unchanged	Monday, August 17, 2015	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
unchanged	Monday, July 20, 2015	<p>*File Dispositive Motions or Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)</p> <p>No dispositive motion or motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.</p>
unchanged	Friday, July 17, 2015	Deadline to Complete Expert Discovery
unchanged	Monday, June 29, 2015	Serve Disclosures for Rebuttal Expert Witnesses
unchanged	Friday, June 5, 2015	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
unchanged	Monday, June 8, 2015	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof

unchanged	Tuesday, May 26, 2015	*Deadline to File Letter Briefs Regarding Dispositive Motions
unchanged	Wednesday, May 27, 2015	Deadline to Complete Mediation The parties are responsible for ensuring that a mediation report is filed no later than 5 days after the conclusion of mediation.
unchanged	Wednesday, May 20, 2015	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
unchanged	Wednesday, April 29, 2015	*Claim Construction Hearing - 1:30 p.m. in Marshall, Texas before Judge Rodney Gilstrap
unchanged	Wednesday, April 15, 2015	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
unchanged	Wednesday, April 8, 2015	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
unchanged	Wednesday, April 1, 2015	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
unchanged	Wednesday, March 18, 2015	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)
unchanged	Wednesday, March 18, 2015	Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
unchanged	Wednesday, March 4, 2015	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
unchanged	Wednesday, February 25, 2015	File Response to Amended Pleadings
unchanged	Wednesday, February 11, 2015	*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.

unchanged	Wednesday, February 18, 2015	Comply with P.R. 4-3 (Joint Claim Construction Statement)
unchanged	Wednesday, February 11, 2015	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
unchanged	Wednesday, January 28, 2015	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
unchanged	Friday, January 16, 2015	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
unchanged	Friday, January 9, 2015	Join Additional Parties
unchanged	Friday, December 19, 2014	Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures)
unchanged	Tuesday, November 18, 2014	Comply with P.R. 3-1 & 3-2 (Infringement Contentions)
Tuesday, November 25, 2014	Thursday, November 20, 2014	*File Proposed Protective Order The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.

(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Notice of Mediator: The parties are to jointly file a notice that identifies the agreed upon mediator or indicates that no agreement was reached. If the parties do not reach an agreement, the Court will appoint a mediator. The parties should not file a list of mediators to be considered by the Court.

Summary Judgment Motions: Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief in each of those matters shall be no longer than five (5) pages and shall be filed with the Court no later than the deadline for filing letter briefs. Answering letter briefs in each of those matters shall be no longer than five (5) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than five (5) days thereafter. The Court may decide the question on the submissions or hold a hearing or telephone conference to hear arguments and to determine

whether the filing of any motion will be permitted. Letter briefs shall be filed without exhibits. Any requests to submit letter briefs after the deadlines outlined above must show good cause.


Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

Motions for Continuance: The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

- (a) The fact that there are motions for summary judgment or motions to dismiss pending;
- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

Amendments to the Docket Control Order ("DCO"): Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

So ORDERED and SIGNED this 21st day of November, 2014.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE